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Book Review. Somin, Ilya, Democracy and Political Ignorance: Why Smaller Government Is Smarter

Steve Sanders
Indiana University Maurer School of Law, stevesan@indiana.edu

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Democracy and Political Ignorance: Why Smaller Government is Smarter, by Ilya Somin. Stanford, CA: Stanford University Press, 2013. 208 pages, list price $27.95

STEVE SANDERS, Indiana University, Bloomington

Have Americans become so lazy, ignorant, and generally illiterate about politics and civic affairs that they can no longer govern themselves, at least on a national scale? Ilya Somin believes the answer is yes, and in this book he amasses a convincing amount of evidence for his conclusion that "[p]ublic knowledge levels fall well short of the requirements of normative theories of political participation" (p. 60).

Don't let that dry sentence fool you. Somin has given us a provocative, engaging book full of facts, studies, and statistics that demonstrate the extent of our civic illiteracy. For readers who were already convinced that Americans are hopelessly incapable of governing themselves, this book will be like a warm, luxurious bubble bath of confirmation-bias. Less-jaded readers, or those who are newer to the project of civic literacy, will probably come away despondent at its ample documentation of the American voter's ignorance on even the most rudimentary matters of politics and policy.

Then comes the twist. Unlike most commentators who tackle the problem of civic illiteracy, Somin does not believe the answer lies in better schools, a more sober news media, or hectoring Americans to straighten up and learn something about their government as a basic matter of responsible citizenship. Voter ignorance, if not admirable, is at least rational, he says, because "the benefits of devoting more than minimal time and effort to learning about politics are greatly outweighed by the costs" (p. 62). And so his proposed solution is

elegantly simple: less government. If Americans are too ignorant and distracted to keep track of what their government does, then we should stop fighting the problem and just give them less government to think about.

These libertarians are a crafty bunch--Somin is one of the most prominent members of an influential and prolific group of libertarian legal scholars and public intellectuals affiliated with think tanks like the Cato Institute and blogs such as the Volokh Conspiracy--and we must at least give Somin credit for seeing fertile opportunity for advancing his ideological agenda in the vast wasteland of Americans' civic illiteracy. Still, at the end of the day, it must be said that his argument, as interesting as it is, comes across as just that – opportunistic, and a bit too cute.

Perhaps the most startling example on this point comes in Somin's discussion of judicial review. One project by the current generation of libertarian lawyers is to advocate for aggressive judicial dismantling of government laws and regulations in the name of individual liberty. This project requires rehabilitating Lochnerism (the laissez-faire and activist judicial philosophy, named for the 1905 case Lochner v. New York, which dominated the U.S. Supreme Court's jurisprudence from the late 1800s until 1937) and coming to grips with what contemporary constitutional scholars call the countermajoritarian difficulty-- a term coined by Alexander Bickel [1] to describe the problem of unelected judges invalidating policies promulgated by elected legislators and executive officials. Libertarians like Somin favor judicial review because getting rid of laws and regulations through litigation is faster and less messy than doing so through the political process (a political process that is, after all, ultimately controlled by those incompetent voters!). But isn't such judicial review democratically illegitimate, as the countermajoritarian difficulty suggests? Somin deftly maneuvers around the objection: "If most of the electorate has little or no information on politics and government policy," he reasons, "it is likely that legislative output does not represent the will of the majority in the way that Bickel and later theorists assumed" (p. 136). Accordingly, "[j]udicial invalidation of such legislation is not nearly as 'countermajoritarian' as generally supposed" (p. 136).

As I said, give Somin points for creativity.

It seems true enough, at least in the abstract, that, as Somin writes, the "government that governs least" is also "the form of democracy least vulnerable to political ignorance" (p. 199). "A government of strictly limited powers," Somin suggests, "might reduce the problem of public ignorance by reducing the number of issues to be decided by government to a level which voters would find more manageable" (p. 141). No libertarian tract would be complete without an economics-based analogy, and Somin's overall argument can be encapsulated in the following example: "[I]f the average voter learns a hundred units of political knowledge and there are fifty issues on the government agenda, he or she only knows an average of two units of knowledge per issue. By contrast, if there are only ten issues, the voter knows an average of ten units per issue" (p. 141).

An interesting thought experiment, perhaps. But as Somin forthrightly acknowledges, "[t]his scenario abstracts away from many real-world complexities," and, at least "[i]n the short term, it is probably impossible to reduce the size and complexity of government to the point at which rationally ignorant voters could readily understand and assess its major functions" (p. 141). This is especially so given that the biggest, most complicated, and frequently most politically contentious things the national government does – making war (or not), protecting national security, managing fiscal and monetary policies – cannot be spun off to state and local governments or handed off to the private sector.

Moreover, we cannot simply start pruning away "issues on the government agenda" without a sensible theory about the purposes of government. To paraphrase Anatole France [2], modern libertarianism demands that both the rich man and the poor man be free of government oppressions like the minimum wage or subsidized health insurance. But "less government," simpliciter, makes little sense as a first principle. If less government is a good thing, it must be because there is an inverse relationship between the amount of government and the amount of human liberty. The problem is that the predations of unregulated free-market human activity pose different but just as serious threats to our liberty as oversized government. Unless one's ideal of liberty is simply the state of nature, it seems clear that human opportunity and self-actualization are, on balance, advanced rather than hindered when, for example, we forbid polluters from externalizing their costs to the rest of us, when we improve people's health and longevity, or when we seek to prevent the kinds of abuses of the financial markets that caused so many innocent Americans to lose jobs, homes, and pensions. One of the main reasons we have the amount of the government we currently do is that we have decided, as a society over time, that it is appropriate to seek to restrict the liberty of swindlers, polluters, and wage thieves, among other wrongdoers. We can and should deliberate about the means and effectiveness of laws and regulations that are intended to improve our safety and welfare. But that is a different debate than deciding whether to simply wipe entire spheres of policy making off the "government agenda" because they are too much bother for the average American to think about.

Take the looming tragedy of global climate change. Is this a problem that government should simply abandon because Americans are incapable of engaging in long-term thinking, or because some still don't believe in science? Probably not, since it is unregulated human activity run amok that got us to the brink of climate disaster in the first place. In June 2014, the Obama administration announced new rules intended to sharply curtail carbon emissions from coal-fired power plants [3]. Predictably, the coal industry howled with self-serving outrage and forecasts of doom: Obama's plan will eliminate jobs! Raise electric rates! Cripple the economy! [4]. Just as predictably, the Republican Party's official sound bite was that Obama had launched a "war on coal" [5]. Even Democrats in coal states like Kentucky and West Virginia heaped abuse on the proposal, the imperatives of reelection taking priority over the rising of seas and the eventual extinction of species. If Americans fail to have a serious, civically literate national discussion about the health of the planet and the costs and benefits of Obama's plan to mitigate carbon damage, the blame should not be chalked up to rational ignorance, it should be ascribed to the simplistic, dumbed-down, and frequently disingenuous terms

of debate that are set by the mainstream media and many of our political leaders. As the old saying goes, "garbage in, garbage out".

In the end, though, regardless of whether one is enthusiastic, skeptical, or agnostic about Somin's smaller-government arguments, this book remains valuable for the candid and unvarnished way it confronts the problem of political ignorance. Even if Somin's proposed course of treatment is dubious, his diagnosis is well-documented, thoughtfully presented, and persuasive.

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